



Procedures to Request a Determination of Petroleum Site Eligibility required for U. S. EPA Brownfield Grants

When requesting a petroleum eligibility determination from the Indiana Department of Environmental Management (IDEM), please provide written responses to the items listed below. If you are unable to provide the information related to any of the items, please state why that information is unavailable. Requests should be sent to Michele Oertel, the Indiana Brownfields Program EPA/Community Liaison and Outreach Coordinator by email at: moertel@ifa.in.gov. Subsequent to its review of the request, IDEM will provide a written response determining eligibility for use of federal grant funds on the site. Further information regarding petroleum eligibility determinations may be found in the US EPA's *Guidelines for Brownfield Assessment, Revolving Loan Fund, and Cleanup Grants*. The guidelines for the three types of grants are available on the web at: <http://www.epa.gov/brownfields/applicat.htm>.

The following information must be provided in order for the IDEM to make a petroleum eligibility determination:

1. **Site Description.** Please provide information regarding the following: a) the name of the site; b) the address of the site; c) whether this site is contaminated by petroleum or hazardous substances; d) the operational history and current uses(s) of the site; and e) environmental concerns, if known, at the site.
2. **Previous Assessments.** Please explain the phase of assessment, if any, that has been completed to date. Provide dates of the assessment(s).
3. **Areas of Concern.** Please identify how the site became contaminated, if known, and, to the extent possible, describe the nature and extent of the contamination.
4. **Current and Immediate Past Owners.** Identify the current and immediate past owner of the site.
5. **Acquisition of Site.** Please identify when and by what method the current owner acquired the property (e.g., purchase, tax foreclosure, donation, eminent domain).
6. **No Responsible Party for the Site.** Please identify whether the current and immediate past owner dispensed or disposed of petroleum or petroleum product, or exacerbated the existing petroleum-contamination at the site, and whether the current and immediate past owner took reasonable steps with regard to the contamination at the site.

7. **Assessed or Cleaned Up by a Person Not Potentially Liable.** Please identify whether you (the applicant) dispensed or disposed of petroleum or petroleum product, or exacerbated the existing petroleum contamination at the site, and whether you took reasonable steps with regard to the contamination at the site.
8. **Relatively Low Risk.** Please identify whether the site is of “relative low risk” compared to other petroleum or petroleum product-only contaminated sites in the state in which the site is located, including whether the site is receiving or using Leaking Underground Storage Tank (LUST) Trust Fund monies.
9. **Judgments, Orders, or Third Party Suits.** Please provide information that no responsible party is identified for the site through either:
- a. A judgment rendered in a court of law or an administrative order that would require any person to assess, investigate, or clean up the site; or
 - b. An enforcement action by federal or state authorities against any party that would require any person to assess, investigate, or clean up the site; or
 - c. A citizen suit, contribution action or other third party claim brought against the current or immediate past owner, that would, if successful, require the assessment, investigation, or cleanup of the site.
10. **Subject to RCRA.** Please identify whether the site is subject to any order under section 9003(h) of the Solid Waste Disposal Act (RCRA Corrective Action).
11. **Financial Viability of Responsible Parties.** For any current or immediate past owners identified as responsible for the contamination at the site, provide information regarding whether they have the financial capability to satisfy their obligations under federal or state law to assess, investigate, or clean up the site.